

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Verreault et al
U.S. SERIAL NUMBER: 09/787,782
I.A. FILING DATE: 21 SEP 99
PRIORITY DATE: 21 SEP 98
INTL. APPLN. NO: PCT/CA99/00849

RECEIVED

11 JUL 2001

Legal Staff
International Division

To: The Commissioner of Patents and Trademarks
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE(DO/EO/US)/NOTIFICATION OF DEFECTIVE OATH OR
DECLARATION AND
PETITION UNDER 37 CFR 1.47(b) and 35 U.S.C. 118**

Sir:

Responsive to the Notification of a Defective Oath or Declaration, Applicant hereby Petitions the Office to accept the Declaration under 37 CFR 1.47(b) and 35 U.S.C. 118.

In this regard, the Applicant has made concerted efforts to contact the inventors to execute documents for the completion and filing of the above application in all designated offices. All rights to this invention were assigned to Visimax U.S.A., Inc. and thus it is submitted that additional declarations are unnecessary. The inventors have turned hostile and we are unable to make them execute additional Declarations beyond the outright Assignment previously signed. Applicant is submitting a new Declaration duly executed by an officer of Applicant. The signor has entered the full name, residence, post office address and citizenships of the non-signing inventors. The signor has stated his title acting on behalf of Applicant, Visimax U.S.A., Inc.

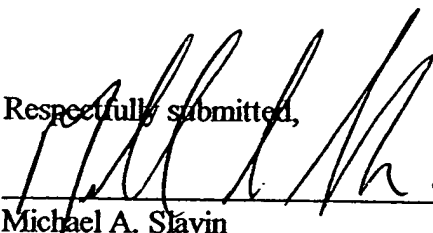
Visimax U.S.A., Inc. is the owner of this application as is stated on the attached Declaration Under 37 CFR 1.47(b) and 35 U.S.C. 118. An officer of the Applicant, Visimax, U.S.A., Inc. has duly executed the attached Declaration Under 37 CFR 1.63 and 1.64.

Attached herewith is a copy of the INTELLECTUAL PROPERTY PURCHASE AGREEMENT, CANADIAN PATENT ASSIGNMENT, and PCT PATENT ASSIGNMENT documents reflecting the names of the inventors and their signatures, transferring rights of this invention to the Applicant, Visimax U.S.A., Inc. These documents have been filed within the Patent Office recordation department, we are awaiting receipt of the recordation.

It is respectfully submitted that this Petition is accepted
and that the Application is in condition for examination.

Applicant respectfully requests that any fees due in this regard is charged to Applicant's
Deposit Account No. 13-0439.

Respectfully submitted,


Michael A. Slavin
Reg. No. 34,016

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787782	JACQUES	A 2126.005
INTERNATIONAL APPLICATION NO.		
PCT/CA99/00849		
I.A. FILING DATE	PRIORITY DATE	
21 SEP 99	21 SEP 98	

MICHAEL A SLAVIN
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DATE MAILED: 23 APR 2001

BY
6/23/01**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☒ Indication of Small Entity Status.
☒ Copy of the international application. ☒ Translation of the international application into English.
☒ Oath or Declaration of inventor(s). ☐ Translation of Article 19 amendments into English.
☒ Copy of Article 19 amendments. ☐ Other:
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917
☐ PTO-875

☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Barbara A. Campbell

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3631



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a), (b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☒ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Barbara A. Campbell

Telephone: 703-305-3631

CERTIFICATE OF FIRST CLASS MAIL

I HEREBY CERTIFY that the following correspondence:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) NOTIFICATION OF DEFECTIVE OATH OR DECLARATION AND PETITION UNDER 37 CF4 1.47(b) and 35 U.S.C. 118; DECLARATION; ASSIGNMENT DOCUMENTS; regarding U.S. Serial No. 09/787,782 is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to:

**COMMISSIONER OF PATENTS & TRADEMARKS
WASHINGTON D.C. 20231**

THIS THE 23rd DAY OF JUNE, 2001.

I HEREBY declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.



Cathy Nicholson, Legal Assistant

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